

Supplemental EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mt. Fred Braun (Reg. 56, 123) on May 14, 2009.

The application has been amended on Examiner's Amendment filed on May 5, 2009 as follows:

1. **(Third Amended)** A light detecting apparatus comprising:

an optical fiber probe whose distal end faces a surface that it measures, the probe forming a spot of light on said surface, and detecting light from said surface for measurement; and

a probe controller that switches the light ~~detection~~ detecting apparatus between broad range measurement mode and high resolution measurement mode by controlling a distance between the distal end of said optical fiber probe and said surface for measurement based on said distance correlated to the value of the diameter of a light radiating aperture formed centrally of the distal end of a core of said optical fiber probe, wherein said broad range measurement mode exploits the light propagated through a said core of said optical fiber probe and said high resolution measurement mode exploits near-field light seeping from said core of said optical fiber probe.

The following is an examiner's statement of reasons for allowance:

Claims 1, 3, 6-13, 15-16, and 18-24 are allowed on May 5, 2009.

Claims 2, 4-5, 14, and 17 have been canceled.

As independence claims 1 and 13 are allowed over the prior art of the record for the reasons set forth in the previous Office action on 04/09/09 with page 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2800 ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 14, 2009

/Sang Nguyen/
Primary Examiner, Art Unit 2886